

**MINUTES OF A WORK SESSION WITH STAFF,  
A PUBLIC HEARING AND A REGULAR MEETING OF  
THE VINEYARD TOWN COUNCIL  
Town Hall, 240 East Gammon Road, Vineyard, Utah  
October 28, 2015 at 6:00 PM**

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**6:00 PM      WORK SESSION WITH STAFF**

**Present**

Mayor Randy Farnworth  
Councilmember Julie Fullmer (6:05 PM)  
Councilmember Dale Goodman  
Councilmember Nathan Riley (6:34 PM)

**Absent**

Councilmember Sean Fernandez

**Staff Present:** Public Works Director/Engineer Don Overson, Finance Director Jacob McHargue, Town Planner Aric Jensen, Town Attorney David Church, Town Clerk/Recorder Pamela Spencer, Water Operator/Technician Sullivan Love, Planning Commission Chair Wayne Holdaway.

**Others Present:** Residents Tyce Flake, Chris Judd.

Mayor Farnworth opened the work session at 6:00 PM.

Mayor Farnworth reviewed the agenda with Council and Staff.

Town Planner Aric Jensen reported that he conducted a training session for Commissioners at the last Planning Commission meeting.

The Maverik ribbon cutting and grand opening was scheduled for November 4, 2015 at 3:30 PM.

Councilmember Fullmer entered the meeting at 6:05 PM.

Mr. Jensen reported that he was working on several submittals.

Town Clerk/Recorder Pamela Spencer mentioned that the front desk had received phone calls about what developments were coming into Vineyard. She said that staff requested to have a place on the website where they could direct people that would list developments that were under construction or newly open. Councilmember Fullmer was having photos placed under the current events tab on the website. She said that she would give staff the information about what and where to post on the website.

Ms. Spencer reported that the Maverik needed to know if we had an Ordinance that restricts the selling of sell beer during certain times of day. She further reported that voter registration was closed but people could come in on Election Day and register to vote provisionally. She also mentioned that anyone who did not get their ballot in the mail or who had “spoiled” their ballot could come to Town Hall and receive a replacement ballot.

Mr. Jensen mentioned that the upcoming agenda items for Planning Commission would be complicated and added that he would hold a Public Hearing to update the Zoning Ordinance. He said that discussion would continue during Planning Commission meetings until mid-January and the

update should be ready to present to Council in February. Ms. Spencer went over noticing requirements for Public Hearings.

Councilmember Fullmer reported on upcoming events. She mentioned that the goats had been removed and the area was cleaned up. She added that the current complaint was that once the lot was cleaned up they parked several trailers and vehicles on it. She mentioned that this area was at the entry into the Sleepy Ridge Subdivision.

Mayor Farnworth asked if they were going to discuss what farm animals to allow in what neighborhoods. Mr. Overson replied that it was chickens and other farm animals.

Councilmember Fullmer mentioned that there had been complaints about people parking vehicles in their back yards and wanted to know if this was an issue. She said that there were complaints about construction waste being dumped on vacant lots and that rental properties were not being maintained.

Mr. Jensen explained that the current Ordinance does not allow agricultural animals in residential zones. He mentioned that he wrote an Ordinance for other cities that allow domestic farm animals in residential zones on a point system.

Mayor Farnworth said that they needed to discuss what they wanted in the Ordinance for farm animals and rental properties. Councilmember Fullmer asked to also include parking issues.

Attorney David Church said that they needed to decide what they want on rentals. He stated that there was a big difference between short-term and long-term rentals. He said that they needed to decide if they were going to allow basement rentals/accessory apartments and not short term rentals. He mentioned that more cities are starting to allow second families to live in people's basements. Mayor Farnworth said that they are talking about short-term rentals. Mr. Church said that short-term /vacation rentals were not allowed under the current Ordinance. Councilmember Fullmer asked if that included house swapping. Mr. Jensen replied that if they were living in their home 365 days a year and wanted to swap houses for 5 days a year that would be allowed. Ms. Spencer mentioned that homes were listed on a vacation rental website. Councilmember Fullmer said that some of those people are actually doing house swaps but have to list other information to advertise on the website.

Councilmember Fullmer asked if the current Ordinance allows for basement rentals. Mr. Jensen replied that he had not seen anything in the Ordinances that allow for basement apartments.

Councilmember Fullmer mentioned that there were parking issues with current rentals. Mr. Church said that some of those were rented to college students and that the Ordinance only allows four (4) unrelated adults to rent /occupy a home. Councilmember Fullmer was concerned with people renting the house for up to six months and then trashing the home. Mr. Church said that was considered residential use. Mr. Jensen explained that if they were renting for more than a month then it was allowed.

Mayor Farnworth mentioned that he was asked about mother-in-law apartments and the town does not allow them unless they were on Holdaway Road, which was grandfathered in. Mr. Jensen replied that he would add that to the Ordinance update discussions.

Councilmember Riley entered the meeting at 6:34 PM.

Mayor Farnworth asked Mr. Church about the hours for selling beer at the Maverik. Mr. Church replied that there were no restrictions for the selling of beer for off premises consumption.

Ms. Spencer asked if Mayor Farnworth wanted to appoint someone to be on the North Utah Valley Animal Shelter Board. Mr. Church suggested that he not appoint anyone.

Councilmember Riley asked about the progression of the sale of the Robins property to the Charter School. Mr. McHargue replied that he would contact Mr. Robins. He said that the last he had heard that they had not signed for the purchase of the property. Councilmember Riley asked how they could ensure that the project was viable and that the community would not be stuck with something

that was not successful. Mr. Church replied that the way the law was written was that they did not have to ask permission to build the charter school. He said that the way the contractor makes money was to contract with a third party and lease the building to them to run the school. He said that there were few things that the town had a say over. Mr. Overson had concerns about where they had the parking lot and access points and asked if there was anything they could do. Mr. Jensen felt that as the Public Works Director, Mr. Overson should have a say. Mr. Church quoted state law.

## **7:00 PM      REGULAR SESSION**

### **Present**

Mayor Randy Farnworth  
Councilmember Sean Fernandez  
Councilmember Julie Fullmer  
Councilmember Dale Goodman  
Councilmember Nathan Riley

### **Absent**

**Staff Present:** Public Works Director/Engineer Don Overson, Finance Director Jacob McHargue, Town Planner Aric Jensen, Town Attorney David Church, Town Clerk/Recorder Pamela Spencer, Planning Commission Chair Wayne Holdaway, Water Operator/Technician Sullivan Love.

**Others Present:** Residents Tyce Flake, Chris Judd; Ryan Clark with Orem City.

**Regular Session -** The meeting was called to order at 7:00 PM. The invocation was offered by Councilmember Riley

**CONSENT ITEMS:** There were no items for consent.

### **PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL:**

Planning Commission Chair Wayne Holdaway – Chair Holdaway reported that the Commission had one item on the agenda for tonight, which was the parking lot approval. He mentioned that the applicant wanted two (2) years on the permit and to use the existing roadbed. He said that the Commission took it down to one (1) year and added something to keep the mud, debris, and dust down.

### **STAFF REPORTS**

Public Works Director /Engineer– Don Overson –Mr. Overson reported that Main Street would be open early next week. He mentioned that they had problems with people already using the road. He said that he was working on a lighting plan for Mill Road; they have the sign for the trailhead that would be installed this week. He reported that the striping was done in Sleepy Ridge, and that they were waiting for Blues Stakes so they could install the signs.

Attorney – David Church – Mr. Church had no new items to report.

Utah County Sheriff's Department – Deputy Collin Gordon – Deputy Gordon was excused.

Planner – Aric Jensen – Mr. Jensen had no new items to report.

Finance Director – Jacob McHargue – Mr. McHargue had no new items to report.

Town Clerk/Recorder – Pamela Spencer – Ms. Spencer reminded everyone that the General Municipal Election would be on November 3. She mentioned that voter registration was closed until November 3 and if anyone did not receive their ballot in the mail they could come in and request a replacement through November 3. Mr. Church asked if all of the candidates had turned in their financial disclosure forms. Ms. Spencer replied that they had. She mentioned that the canvass to certify the Election results was scheduled for Tuesday November 17th at 7:00 pm. Mr. Church explained that if the election was close they would not know who won until the certification on the 17<sup>th</sup>.

## **COUNCILMEMBERS' REPORTS**

Councilmember Julie Fullmer – Councilmember Fullmer reported she was meeting with more people on branding. She mentioned that they were having a Boo-A Palooza party for the Town this Friday. She said that she attended the Women Informational Network and they were asking the town to send out information to empower women in the community.

Councilmember Sean Fernandez - Councilmember Fernandez reported that he attended a TSSD board meeting to discuss their budget.

Councilmember Nathan Riley – Councilmember Riley reported that he attended a Utah Lake Commission meeting. He stated that Utah Lake was at some of its lowest levels. He said that they were concerned that if they had a dry winter it could be rough next year. He mentioned that they were doing a lot of Phragmites work and that they had removed 20 million pounds of carp. He said that with the low lake levels it was making it easier to remove the carp. He mentioned that there were grants available for harbor work, so when they begin to look at the lakeshore area, boat access, and harbors, they need to consider applying for a grant. He said that the Boy Scouts of America were purchasing a section on the south side of the lake to create a camp. He mentioned that the Utah Lake Commission and the State were excited about what Vineyard was planning for the lakeshore use. He said that when looking at the proposed WatersEdge Park, they were concerned that it would turn into a parking issue and that they should anticipate heavy use. He mentioned that they had a cleanup day where they picked up 75 bags of trash along the Vineyard Shoreline. He said that they suggested that the trail running north and south should be a minimum of 15 feet wide to allow for both pedestrians and bicycle use. He wished the candidates good luck in the Election. He felt that it was convenient to do the vote by mail but as a candidate it was better to vote on Election Day and have the results by the end of the night.

Councilmember Dale Goodman – Councilmember Goodman had no new items to report.

**MAYOR'S REPORT** – Mayor Farnworth reported that he attended the Utah Lake Commission meeting and mentioned that the average depth of the lake was only four (4) feet and two (2) feet in the harbor. He mentioned that he, Mr. Overson and Mr. McHargue met with UDOT, UTA, and MAG about the spur line removal and the FrontRunner station, etc. He said that they did not have a report from CUP on the water storage. Mr. Overson explained that they had submitted a proposal that he was redlining and added that CUP was waiting for comments from Vineyard and Orem. Mayor Farnworth mentioned that for the Tuesday staff meetings they had been writing reports that the Council could review. He said that the Council and Staff Christmas party had been scheduled. He explained that he put alternate Planning Commissioner Chris Judd in to fill in the remainder of Ms. Wixom's term, as she had resigned. He added that Mr. Judd had been elected as the Vice Chair. He said that they would be looking to fill two (2) alternate positions at the first of the year.

## **OPEN SESSION: *Citizens' Comments***

Mayor Farnworth opened the public comment session. Hearing no comments, he closed the session.

## **BUSINESS ITEMS:**

### **8.1 PUBLIC HEARING – Orem Park Conditional Use Application for Temporary Parking**

The Applicant, Ryan Clark with Orem City, is seeking approval of their Conditional Use Application for a Temporary Parking Area to be located on Lot 2 of the Lake Park Plat “F” Subdivision. The subject property is 1.33 Acres, and is within the R-2-15 Zoning District. The Mayor and Town Council will hear public comments and take appropriate action.

Mayor Farnworth turned the time over to Town Planner Aric Jensen.

Mr. Jensen reviewed the application, which was to construct temporary parking west of the Lakeside Sports Park. He explained that part of the Planning Commission discussion was the reasonably anticipated detrimental effects of the project. He went over the six (6) recommended stipulations. He mentioned that it had been requested to have Orem City install extra fencing and a gate along the Whetten’s property. He stated that Planning Commission recommended approval.

Mayor Farnworth asked for questions.

Councilmember Fernandez said that it was mentioned that Orem would like to put a fence running east and west and asked if they were extending it north and south on the west side of the access road. Ryan Clark with Orem City replied that the Whetten’s property would be completely fenced off from the park. Councilmember Fernandez asked if the Whettens wanted a gate. Mr. Clark replied that the homeowners did want a gate, however Orem has a policy that they do not install gates in the park fences.

Councilmember Riley said that he spoke with Mr. Whetten and the challenge with the current fence was that balls went into the yard and people had been pulling the fence out from the bottom to get the balls. He said the Mr. Whetten would rather have someone use a gate rather than pulling the fence or someone going over the top and getting hurt. Mr. Clark replied that the fence was constructed without a bottom rail; it had only a tension wire instead. He said that the new fence would have a bottom rail.

Councilmember Goodman asked how big the kids were that would be playing in the area. Mr. Clark replied that they would be of toddler age. Councilmember Riley said that it was the siblings of the kids playing that were kicking balls over the fence. He said that one concern was keeping the kids safe where there would be no barrier to the driveway. Mr. Clark stated that they were leaving the fence up to the end of the driveway.

Mayor Farnworth asked what the liability would be to the town if they were to put a gate in the fence. Mr. Clark said that if someone enters the property then it would be trespassing and they did not want to encourage it. Mr. Church stated that it would not be a liability for the town. He said he was amazed that the private property owner would want a gate into a park unless they locked it at night. Mayor Farnworth was concerned with the liability of trespassing and about the property later being sold with the gate installed. Mr. Church said that it was not an issue and added that it was up to the owners.

Mr. Jensen asked if the fence would run along the driveway and if people could walk around at the top of the fence to enter the back yard. Mr. Clark said that was correct. Councilmember Riley said that they could walk around but it was too difficult to walk around and that was why the fence was torn up. He said that if it stayed in place and became problematic then the council could revisit it in a year. Mr. Clark stated that when the park was finished they would need to come in for site plan approval.

Mayor Farnworth mentioned that they talked about installing a chain across the parking area and asked if Orem had agreed to the chain. Mr. Clark replied that they had not agreed to the chain

because when the park closed at night they would not have anyone to lock it. Mr. Holdaway mentioned that Mr. Whetten had put up cones to keep people off the property.

Councilmember Riley asked if at the west end where the property jogs they would be removing the larger trees. He added that Arthur Pheysey felt that they were in his septic tank. Mr. Clark said that they did a boundary line agreement with Mr. Pheysey. He mentioned that he did not know where his septic tank was located. He said that the trees would not be removed until the park was finished.

Mayor Farnworth asked if it was a septic tank or field drains. Councilmember Riley stated that where Mr. Pheysey's property drops off against the fence line was where his field drains were located and that the trees were larger there. He was concerned that they would take the trees out, and leave the trees along the straightaway. Mr. Clark said that was good information for when the site was designed so they could work with Mr. Pheysey. Mayor Farnworth said the concern was that they would remove the field drains when they remove the trees.

Mr. Clark was concerned with the 12-month time period and that they would not be putting in the temporary parking until spring. He asked when the one (1) year period would start and if they could extend that start time until they open the temporary parking. Mr. Jensen replied that the council could set when that the time period starts.

Mayor Farnworth called for a motion to open the public hearing.

**Motion:** COUNCILMEMBER GOODMAN MOVED TO OPEN THE PUBLIC HEARING AT 7:39 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for public comment. Hearing none, he called for a motion to close the public hearing.

**Motion:** COUNCILMEMBER FERNANDEZ MOVED TO CLOSE THE PUBLIC HEARING AT 7:39 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Councilmember Goodman asked if they gave Orem a year starting January 1 would that get them through a full year of their recreation programs.

Councilmember Fernandez asked the Planning Commission if there was anything else they were talking about. Mr. Holdaway stated that if something goes wrong then they could look at it in a year. Mr. Clark asked if this would require a new full submittal. Mr. Jensen replied that they would not need to resubmit anything, and that the town would just review it.

Mayor Farnworth called for a motion.

**MOTION:** COUNCILMEMBER RILEY MOVED THAT THE COUNCIL APPROVE THE CONDITIONAL USE PERMIT FOR THE TEMPORARY PARKING LOT WITH THE FINDINGS AND CONDITIONS. AMEND CONDITION #2 SO THAT INSTEAD OF 1 INCH GRAVEL IT WOULD SAY ONE AND ONE HALF INCH MINUS WITH A DEPTH ACCORDING TO THE ENGINEER'S STANDARDS AND THAT #5 BE CHANGED SO THAT THE 12-MONTH TIME PERIOD REFLECT THE CALENDAR YEAR STARTING JANUARY 1, 2016:

**FINDINGS:**

- IT CONFORMS TO THE VINEYARD GENERAL PLAN.
- THE PROPOSED USE IS A CONDITIONAL USE WITHIN THE SUBJECT RESIDENTIAL SINGLE FAMILY ZONING DESIGNATION.
- THAT WITH THE CONDITIONS BELOW, THE PROPOSAL MEETS THE REQUIREMENTS OF THE ZONING ORDINANCE.

**CONDITIONS:**

1. THE APPLICANT CONSTRUCTS AND OPERATES THE FACILITY IN ACCORDANCE WITH THE SUBMITTED PLANS AND PROJECT NARRATIVE;
2. THE PERVIOUS SURFACE AREA IS CONSTRUCTED WITH A LAYER OF 1-1.2 INCH MINUS AND IN SUCH A WAY AS TO PREVENT DUST PROPAGATION AND OTHER AIR POLLUTION;
3. THE APPLICANT DESIGNS AND CONSTRUCTS A NON-TRACKING FEATURE TO PREVENT THE TRACKING OF MUD AND DIRT ON TO CITY STREETS, TO BE LOCATED BETWEEN THE PERVIOUS SURFACE AND THE PUBLIC R.O.W. AND TO BE DESIGNED AND MAINTAINED TO THE SATISFACTION OF THE VINEYARD PUBLIC WORKS DIRECTOR;
4. THE HOURS OF OPERATION SHALL BE FROM DAWN UNTIL DUSK;
5. THIS CONDITIONAL USE PERMIT SHALL BE TEMPORARY IN NATURE AND SHALL BE REVIEWED EVERY TWELVE (12) MONTHS STARTING JANUARY 2016, UNTIL SUCH TIME THE USE IS ABANDONED OR OTHERWISE CONVERTED TO A PERMANENT USE;
6. THIS CONDITIONAL USE MAY BE TERMINATED AT ANY TIME FOR FAILURE TO ABIDE BY THE CONDITIONS SET FORTH, AND IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN THE VINEYARD TOWN ORDINANCES.

COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**8.2 PUBLIC HEARING – Amendment of 2015-2016 Fiscal Year Budget (Resolution 2015-13)**

The Mayor and Town Council will hear comments from the residents of Vineyard on the proposed amendment to the 2015-2016 Fiscal Year Budget. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Town Finance Director Jacob McHargue.

Mr. McHargue reviewed the revenue changes. He mentioned that he increased the administrative funds to move salaries around. He explained the change in the expenses. He said that TSSD was now billing for sewer usages. Councilmember Fernandez asked why they had not been billing them. Mr. McHargue replied that the flow was too low to get a read. He mentioned that the charges would continue to increase. Mr. Church asked if the sewer rates should cover it. Mr. McHargue said that they would have to subsidize \$47,000 this year. Mr. Church asked if the charges should match with what they were collecting. Mr. McHargue replied that they were subsidizing the sewer fund because there were other costs associated with it and they did not budget for the TSSD charges.

Mr. McHargue reviewed the remainder of the budget changes.

Councilmember Riley asked about getting a report that would give them a percentage of uses. Mr. McHargue explained that he was using a budget work sheet showing the changes that were made and added that he did not include the other report because it would not show the old numbers.

Councilmember Riley mentioned that on page eight (8) of the report under expenditures, miscellaneous 4032 they had budgeted for \$300,000 for construction and now it was budgeted for \$900,000. Mr. McHargue explained that it was for capital projects in case they build the Public Safety Building and added that he was not committing revenue to anything.

Mayor Farnworth called for a motion to open the public hearing.

**Motion:** COUNCILMEMBER FERNANDEZ MOVED TO OPEN THE PUBLIC HEARING AT 7:53PM. COUNCILMEMBERS RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for public comment. Hearing none, he called for a motion to close the public hearing.

**Motion:** COUNCILMEMBER FERNANDEZ MOVED TO CLOSE THE PUBLIC HEARING AT 7:53 PM. COUNCILMEMBERS RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for a motion.

**Motion:** COUNCILMEMBER GOODMAN MOVED TO APPROVE THE RESOLUTION TO AMEND THE TOWN BUDGET FOR THE 2015-2016 FISCAL YEAR. COUNCILMEMBER FULLMER SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FERNANDEZ, FULLMER, GOODMAN, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

### **8.3 DISCUSSION AND ACTION – Traffic Calming Process**

Town Engineer Don Overson will present a proposal for a traffic calming process. (This item is continued from the October 14, 2015 Town Council Meeting.) The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Public Works Director/Engineer Don Overson.

Mr. Overson said that Council had concerns about the process and being able to clarify it so that people would know when they had to collect signatures. He stated that with the current process the applicant would have to collect signatures twice. He explained that he included another step that had them sitting down and discussing the affected area and then they could gather signatures. He recommended that council approve the traffic calming process with the changes so that they could get it in place as a tool for the town to use.

Councilmember Riley asked if it was step two (2) that he added with no other changes. Mr. Overson replied yes.

Mayor Farnworth called for a motion.

**Motion:** COUNCILMEMBER FERNANDEZ MOVED TO ADOPT THE TRAFFIC CALMING PROCEDURES AS PROVIDED BY THE TOWN ENGINEER. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **ADJOURNMENT**

**Motion:** COUNCILMEMBER GOODMAN MOVED TO ADJOURN THE MEETING AT 7:57 PM. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 7:57 PM. The next regularly scheduled meeting is November 11, 2015

MINUTES APPROVED ON: November 17, 2015

CERTIFIED CORRECT BY: /s/ Pamela Spencer  
P. SPENCER, TOWN CLERK/RECORDER